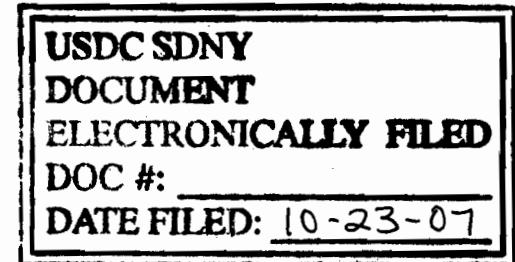


Sand, T

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

STRUCTURE PROBE INC.,	X
	)
Plaintiff,	) 07-CV-3893 (LBS)
	)
-against-	) FILED ELECTRONICALLY
	)
	)
	)
EMS ACQUISITION CORP. (D/B/A, ELECTRON MICROSCOPY SCIENCES),	)
	)
	)
Defendant.	) X



## ORDER

AND NOW, this 23 day of October, 2007, following a conference call with all parties' counsel on October 16, 2007, and upon the application of plaintiff Structure Probe, Inc. that this Court defer ruling on defendant's outstanding motions to dismiss or in the alternative to transfer, Docket Entry No. 12; to permit the judge in the United States District Court for the Eastern District of Pennsylvania presiding over *EMS Acquisition Corp. v. Structure Probe, Inc.*, No. 07-3084 (JG) ("the Pennsylvania Action") to first decide a motion filed by Structure Probe, Inc. in the Pennsylvania Action relating to jurisdiction and venue; and it appearing that the nexus of this action is in Pennsylvania, it is hereby;

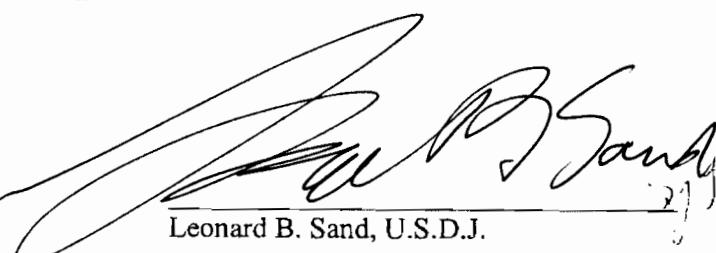
ORDERED that plaintiff Structure Probe's application is GRANTED and this action is STAYED.

It is further ORDERED that this Court will defer ruling on defendant's motions until the court in the Pennsylvania Action has determined issues relating to jurisdiction and venue.

It is further ORDERED that Plaintiff shall provide this court with a copy of the Pennsylvania decision within ten (10) days of such decision.

SO ORDERED

Dated 10/23, 2007

  
Leonard B. Sand, U.S.D.J.